

CITY OF MUSKEGON  
PLANNING COMMISSION  
REGULAR MEETING  
MINUTES

**February 16, 2012**

Chairman T. Michalski called the meeting to order at 4:02 p.m. and roll was taken.

MEMBERS PRESENT: T. Michalski, B. Larson, J. Doyle, B. Mazade, L. Spataro, B. Smith, S. Warmington

MEMBERS ABSENT: W. Parker, excused; Leann Mikesell, excused.

STAFF PRESENT: M. Franzak, H. Mitchell

OTHERS PRESENT: G. Post, 356 W. Western; J. Seyfert, Muskegon Area First; B. Moore, 1873 Harrison, J. Jacobsen, 2115 N. Manitou Circle.

ELECTION OF OFFICERS

A motion to elect T. Michalski as Chairman was made by S. Warmington, supported by L. Spataro and unanimously approved.

A motion to elect B. Larson as Vice-Chairman was made by S. Warmington, supported by L. Spataro and unanimously approved.

APPROVAL OF MINUTES

A motion that the minutes of the regular meeting of December 15, 2011 be approved was made L. Spataro, supported by B. Larson and unanimously approved.

B. Mazade arrived at 4:06 p.m.

PUBLIC HEARINGS

Hearing, Case 2012-001: Request to amend the Final PUD for 100 Muskegon Mall, for the property located at 356 W Western Avenue to allow an assembly/rental hall, by Century Club Development, LLC. M. Franzak presented the staff report. This property is currently a retail development located in a B-3, Central Business district with a PUD overlay. The applicant received approval for the final PUD from City Commission on February 22, 2005, and the approved use for this building was retail. Since assembly/rental halls are not allowed as a principal use in B-3 zones and it was not approved as part of the initial PUD, this amendment is required to permit the use. The proposed change of use would have minimal impact on the PUD, since it is an existing building. The only major issue would be parking. However, staff feels that there is adequate parking allocated for this use. The applicant has an existing parking agreement for 50 spaces for this building from the Downtown Muskegon Development Corporation. The use of retail on the three floors necessitated about 41 parking spaces. The elimination of retail on the top floor will reduce the retail parking requirement to about 27. The assembly/rental hall use

requires one parking space for every six people allowed by the fire code. The Inspections Department has stated that the maximum capacity would be around 170, which would require an additional 28 parking spaces. The retail and assembly/rental hall uses would require about 55 parking spaces for this building. However, the assembly/rental hall use would often be used after the retail stores on site will have already closed. The assembly rental hall will consist of about 2,500 sqft of useable space on the second (top) floor. Staff has received no comments on this request, and recommends approval.

G. Post stated that they had received a lot of good feedback for their plan to open the upper floor for meetings, etc. B. Larson asked if a kitchen would be added. G. Post stated that a kitchen would not be added. Anything that is held there would be expected to be catered in. S. Warmington asked about the parking agreement and where the parking would be due to the development of the former Michcon property. G. Post stated that they have an agreement with the DMDC for 50 spots and it is still in effect.

A motion to close the public hearing was made by L. Spataro, supported by B. Larson and unanimously approved.

A motion that the minor amendment to the final PUD for 100 Muskegon Mall for the property at 356 W. Western Avenue be approved pursuant to the determination of compliance with the intent of the City Zoning Ordinance and City Master Land Use Plan, was made by L. Spataro, supported by B. Smith and unanimously approved.

Hearing, Case 2012-02: Staff-initiated request to amend Article II, "Definitions", of the zoning ordinance to include definitions for "Brewpub," "Micro Brewery," "Brewery," "Small Winery," "Winery," "Small Distillery" and "Distillery". M. Franzak presented the staff report. Staff has recently been contacted by a few microbreweries who are interested in locating in Muskegon. However, the zoning ordinance doesn't clearly define the different types of alcohol-producing facilities and where they should be located. Staff has come up with definitions for the different types of facilities and recommendations on where they should be allowed. All of the definitions were derived from the State of Michigan Liquor Control Commission definitions.

B. Mazade asked about breweries and the quantities are not included in the definitions like some definitions had. M. Franzak stated that the larger amounts would mainly be in the Industrial zoning districts and it would be easier not to place a cap in different zoning districts in case the State changes their guidelines. L. Spataro asked if there was a limit under the State law. M. Franzak state that there was. J. Seyfert encouraged the commission to approve this as it would help with future development and marketing.

A motion to close the public hearing was made by S. Warmington, supported by B. Smith and unanimously approved.

A motion that the proposed amendments to Article II of the City of Muskegon Zoning Ordinance be recommended to the City Commission for approval, was made by J. Doyle, supported by B. Larson and unanimously approved.

Hearing, Case numbers 2012-03 through 2012-07 were discussed together:

Hearing, Case 2012-03: Staff-initiated request to amend Article XI (B-2 Districts), Section 1100 and Section 1101 of the zoning ordinance to allow for “Brewpubs,” “Micro Breweries,” “Small Wineries,” and “Small Distilleries”. M. Franzak presented the staff report. Brewpubs, since they do not allow for wholesale to distributors, would already be allowed as a restaurant/bar under the current zoning. However, staff feels that it is important to have it clearly defined as a principal use permitted in the zoning ordinance. Staff feels that Micro Breweries, Small Wineries and Small Distilleries can also fit into the B-2 District as long as the principal use is for a bar/restaurant and only a small portion is used for producing and distributing. These types of facilities can be found in downtown and general business districts across the State and they almost always have the bar/restaurant as the principal use, rather than the manufacturing portion. After researching different facilities throughout the State, staff feels that by limiting the production area to 2,500 square feet, the bar/restaurant use will remain the principal function. Staff feels that if production is going to ramp up to beyond the 2,500 square foot brewing area, then either a Special Use Permit or a secondary manufacturing facility in an Industrial District would be appropriate.

Hearing, Case 2012-04: Staff-initiated request to amend Article XII (B-3 Districts), Section 1200 and Section 1201 of the zoning ordinance to allow for “Brewpubs,” “Micro Breweries,” “Small Wineries,” and “Small Distilleries”. M. Franzak presented the staff report. Brewpubs, since they do not allow for wholesale to distributors, would already be allowed as a restaurant/bar under the current zoning. However, staff feels that it is important to have it clearly defined as a principal use permitted in the zoning ordinance. Staff feels that Micro Breweries, Small Wineries and Small Distilleries can also fit into the B-3 District as long as the principal use is for a bar/restaurant and not manufacturing and shipping. These types of facilities can be found in downtown and general business districts across the State and they almost always have the bar/restaurant as the principal use, rather than the manufacturing portion. After researching different facilities throughout the State, staff feels that by limiting the production area to 2,500 square feet, the bar/restaurant use will remain the principal function. Staff feels that if production is going to ramp up to beyond the 2,500 square foot brewing area, then either a Special Use Permit or a secondary manufacturing facility in an Industrial District would be appropriate. Clay Avenue Cellars already produces wine downtown at 611 W Clay. They currently use 350 square feet of space for brewing and 100 square feet for storage.

Hearing, Case 2012-05: Staff-initiated request to amend Article XIII (B-4 Districts), Section 1300 and Section 1301 of the zoning ordinance to allow for “Brewpubs,” “Micro Breweries,” “Small Wineries,” and “Small Distilleries”. M. Franzak presented the staff report. Brewpubs would already be allowed as a restaurant/bar under the current zoning. However, staff feels that it is important to have it clearly defined as a principal use permitted in the zoning ordinance. Staff feels that Micro Breweries, Small Wineries and Small Distilleries fit well into the B-4, General Business District because these areas allow for a higher intensity of use and associated traffic. The districts are located along presently developed major traffic arteries that prevent the conflict of traffic and pedestrian movement since the General Business District is characterized by a minimum of pedestrian flow. Micro Breweries, Small Wineries and Small Distilleries are limited in production by the State of Michigan Liquor Control Commission and would not be able to exceed those production levels, so these facilities would never need to grow to an industrial size. For this reason, staff does not feel it is necessary to limit the size of the brewing area.

Hearing, Case 2012-06: Staff-initiated request to amend Section 1304 (B-5 Districts) of the zoning ordinance to allow for “Brewpubs,” “Micro Breweries,” “Small Wineries,” and “Small Distilleries”. M. Franzak presented the staff report. Brewpubs would already be allowed as a restaurant/bar under the current zoning. However, staff feels that it is important to have it clearly defined as a principal use permitted in the zoning ordinance. There are only two B-5, Governmental Business District located in the City of Muskegon. One is near City Hall and the other is at the West Michigan Therapy building at 1823 Commerce. This district is designed to provide for a wide variety of uses associated with government, businesses and residential uses.

Hearing, Case 2012-07: Staff-initiated request to amend Article XIV (I-1 Districts), Section 1400 of the zoning ordinance to allow for “Micro Breweries,” “Breweries,” “Small Wineries,” “Wineries,” “Small Distilleries,” and “Distilleries”. M. Franzak presented the staff report. Micro Breweries, Breweries, Small Wineries, Wineries, Small Distilleries and Distilleries would already be allowed for the production of alcohol under the current zoning. However, they would not be allowed to have a serving room (restaurant/bar) on the premises under the current zoning. Under the new zoning definitions, these facilities “may also contain a restaurant, bar or tasting room as an accessory use.” These types of facilities almost always have a restaurant, bar or tasting room. The way the definitions are written, only these types of facilities could have a restaurant or a bar, since it is approved as a secondary use to the principal use of manufacturing alcohol. Other restaurants and bars would not be able to locate in industrial districts. Everything allowed in I-1 Districts are also allowed in I-2 Districts.

B. Moore is supportive of having these all defined in the different zoning areas of the ordinance due to the fact that when someone applies to the State to brew, the applicant is asked if this would be allowed by zoning. She asked if there would be limits based on the production area and if so, would it require a Special Use Permit. M. Franzak stated anything over 2500 sq. ft. would require a Special Use Permit. J. Jacobsen asked if the amount allowed would be based on square footage of the production space or for all the square footage. M. Franzak stated it would be based on the production space.

A motion to close the public hearing was made by B. Mazade, supported by L. Spataro and unanimously approved.

A motion that the proposed amendments to Section 1100 and 1101 of Article XI, Section 1200 and 1201 of Article XII, Section 1300 and 1301 of Article XIII, and Section 1304 Article, and Section 1400 of Article XIV, of the City of Muskegon Zoning Ordinance, be recommended to the City Commission for approval, was made by L. Spataro, supported by B. Larson and unanimously approved.

#### OLD BUSINESS

None.

#### OTHER

None.

There being no further business, the meeting was adjourned at 4:30 p.m.